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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,909	10/20/2004	Christophe Lievin	62793 (4590-344)	4285
33308	7590	04/03/2006	EXAMINER	
LOWE HAUPTMAN GILMAN & BERNER, LLP 1700 DIAGNOSTIC ROAD, SUITE 300 ALEXANDRIA, VA 22314			LEE, BENNY T	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/511,909

Applicant(s)

LIEVIN, CHRISTOPHE

Examiner

Benny Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: Page 1, line 11, note that "of which" should be rewritten as --being--; line 31, note that "the" and "of" should be deleted as being unnecessary. Page 1, line 23; page 3, line 20; page 4, line 19: note that "owing" should be rewritten as --due--. Page 6, line 26, note that a --,-- should follow "collet" and "cold" for grammatical correctness. Page 7, line 24, note that "this metal making it ..." should be rephrased.

The disclosure is objected to because of the following informalities: Note that subheading delineating the different sections of the specification should be provided as per PTO guidelines for clarity of description. Page 2, line 34 & page 3, lines 14, 19, note that --(see Fig. 3b)-- should follow "57", "d1" & "60", respectively for clarity of description. Page 4, line 31, note that "has a generatrix close to a straight line" is vague in meaning and needs clarification. Page 5, line 31, note that --(see figs. 4b, 4c)-- should follow "80" for consistency of description. Page 5, line 34 & page 6, line 18, note that --as shown in fig. 4b-- should follow "disk" and "temperature", respectively for consistency of description. Page 6, line 3, note that --as shown in fig. 4a-- should follow "tube" for consistency of description; line 23, note that --of fig. 4b-- should follow "A" for consistency of description. Page 7, lines 16, 18, note that "collets 85" does not appear consistent with the earlier description of "surface 85" (e.g. page 6, line 5). Page 9, line 14, note that --and will not be described in detail herein-- should follow "suffix "b" " for clarity of description; line 19, note that reference to "the distance Dr" is vague in meaning and needs

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clarification. Page 10, lines 21, 23, note that "copper closure ring" (line 21) does not appear consistent with "conduit 168" (line 23). Clarification is needed. Appropriate correction is required.

The disclosure is objected to because of the following informalities: The following reference labels need description relative to the corresponding drawing figure(s): fig. 4c (86, 87); fig. 4d (82, 83, 85); fig. 7, all reference labels therein except (130, 132, 134, 136, 138); fig. 8, all reference labels therein except (140, 142, 145, 147, 150, 152); fig. 9 (Ch, 100). Appropriate correction is required.

The drawings are objected to because of the following: In figs. 1, 2, 3a, 3b, note that these drawing figures need to be labeled as --PRIOR ART--; In figs. 4d, note that reference label --80-- needs to be provided; note that the lead line for reference label "85" appears misdirected since reference label "85" has been previously defined as a "surface"; In fig. 9, note that "F" should properly be --Fd-- and reference label --Bf-- needs to be provided, respectively for consistency with the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet

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submitted after the filing date of an application must be labeled in the top margin as either, "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 2, 3, 5-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2, 5, note that "the plane (sur)faces of the disk" lacks strict antecedent basis. Moreover, note that "a generatrix close to a straight line" is vague in meaning and needs clarification.

In claims 3, 12, note that it is unclear how "a thin film of active braze" relates to the same recitation provided in claim 1 (i.e. same as, different from, etc). Clarification is needed.

In claim 3, note that "the disk collet active braze assembly" lacks strict antecedent basis.

In claims 6, 7, note that it is unclear how "(a/two) collet(s)" relate to the "at least one collet" as recited earlier.

In claims 7, 10, 11, 12, 15, 17, 18, 19, 20, 21, note that it is unclear what feature(s) is intended by the respective recitation of "it".

In claims 8, 10, 16, note that "the copper collet" and "the (smaller/larger) diameter collet", respectively lack strict antecedent basis.

In claims 8, 9, 10, 16, note that "the ZZ' axis of the disk" lacks strict antecedent basis and thus is vague in meaning.

In claim 9, note that it is unclear if the alternate recitation (i.e. “on the one hand” and “on the other hand”) is a proper alternative characterization of the invention. Clarification is needed.

In claim 12, line 8, note that “to the surface]” is vague in meaning as to what limitations, if any, were intended to be deleted. Clarification is needed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 6, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, II.

Anderson, II (Figs. 7a, 7b) discloses a microwave window comprising a separating disk (34) brazed to tubes (36, 38) defined as “collets” by “active” brazing materials (e. g. 70) disposed at edges of the collet tubes. Moreover, note that as far as can be understood, the planar separating disk characterizes a “generatrix close to a straight line” (i.e. a planar surface has infinite straight lines thereon). However, the Anderson, II collets are not disclosed a “circular” tubes, as well as the manner of forming the braze, such as claimed.

Although Anderson, II does not explicitly disclose a circular cylindrical tube, the specific shape of the tube used (e.g. rectangular, circular, etc) and the nature of the braze deposition (e.g. screen printing) would have been considered an obvious optimization of desired condition based on the mode of the signal propagation through the device and for providing ease of manufacture, respectively. For example, the use of a circular cylindrical tube obvious optimizes certain modes

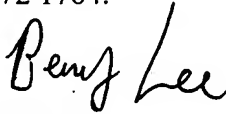
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of propagation, and the use of screen printing optimizes the ease in manufacturing of the window, thereby suggesting the optimization of these aspects of the claimed invention.

Regarding applicants' information disclosure statement (IDS) filed 20 October 2004, all citations except the "Olsted et al" citation have not been considered since no copies of the cited documents except the "Olsted et al" document have been provided by applicant.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number 571 272 1764.

B. Lee

  
BENNY T. LEE  
PRIMARY EXAMINER  
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